



PRELIMINARY DRAFT
No. 3529

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2006 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 12-17.4.

Synopsis: Foster care probationary licensing status. Replaces the issuance of probationary licenses with probationary status periods for: (1) child caring institutions; (2) foster homes; (3) group homes; and (4) child placing agencies. Removes provisions that invalidated a license for these entities when a probationary license was issued.

Effective: July 1, 2006.



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 12-17.4-3-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The division may ~~grant a place a licensee on~~ probationary ~~license to a licensee who~~ **status if the licensee** is temporarily unable to comply with a rule **and** if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the division, state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and

(3) the division, state department of health, or state fire marshal approves the plan.

(b) A probationary ~~license status period~~ is ~~valid~~ for not more than six (6) months. **However**, the division may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) A license is invalidated when a probationary license is issued.~~

~~(d)~~ **(c)** At the expiration of a probationary ~~license~~, **status period**, the division shall: ~~reinstate~~

(1) reactivate the original license to the end of the original term of the license; ~~issue a new license~~;

(2) extend the probationary status period as permitted under subsection (b); or

(3) revoke the license.

~~(e) Upon receipt of a probationary license, the licensee shall return to the division the previously issued license.~~

SECTION 2. IC 12-17.4-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The division may ~~grant a place a licensee on~~ probationary ~~license to a licensee who~~ **status if the licensee** is temporarily unable to comply with a rule **and** if:

(1) the noncompliance does not present an immediate threat to the



health and well-being of the children;

(2) the licensee files a plan with the division to correct the areas of noncompliance within the probationary period; and

(3) the division approves the plan.

(b) A probationary ~~license status period~~ **status period** is ~~valid~~ for not more than six (6) months. **However**, the division may extend a probationary ~~license status period~~ **status period** for one (1) additional period of six (6) months.

~~(c) An existing license is invalidated when a probationary license is issued.~~

~~(d)~~ **(c)** At the expiration of a probationary ~~license~~, **status period**, the division shall: ~~reinstate~~

(1) reactivate the original license to the end of the original term of the license; issue a new license;

(2) extend the probationary status period as permitted in subsection (b); or

(3) revoke the license.

~~(e) Upon receipt of a probationary license, the licensee shall return to the division the previously issued license.~~

SECTION 3. IC 12-17.4-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The division may ~~grant a place a licensee on~~ probationary ~~license to a licensee who is status if the licensee is~~ temporarily unable to comply with a rule **and** if:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children;

(2) the licensee files a plan with the division, the state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and

(3) the division, the state department of health, or the state fire marshal approves the plan.

(b) A probationary ~~license status period~~ **status period** is ~~valid~~ for not more than six (6) months. **However**, the division may extend a probationary ~~license status period~~ **status period** for one (1) additional period of six (6) months.

~~(c) A license is invalidated when a probationary license is issued.~~

~~(d)~~ **(c)** At the expiration of a probationary ~~license~~, **status period**, the division shall: ~~reinstate~~

(1) reactivate the original license to the end of the original license's term of the issue a new license;

(2) extend the probationary status period as permitted in subsection (b); or

(3) revoke the license.

~~(e) Upon receipt of a probationary license, the licensee shall return to the division the previously issued license.~~

SECTION 4. IC 12-17.4-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The division may ~~grant a place a licensee on~~ probationary ~~license to a licensee who~~



status if the licensee is temporarily unable to comply with a rule **and** if:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
- (2) the licensee files a plan with the division to correct the areas of noncompliance within the probationary period; and
- (3) the division approves the plan.

(b) A probationary ~~license status period~~ is ~~valid~~ for not more than six (6) months. **However**, the division may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) An existing license is invalidated when a probationary license is issued.~~

~~(d)~~ **(c)** At the expiration of a probationary ~~license~~, **status period**, the division shall: ~~reinstate~~

- (1) **reactivate** the ~~original~~ license to the end of the original ~~license's term of the issue a new~~ license;
- (2) **extend the probationary status period as permitted in subsection (b);** or
- (3) revoke the license.

~~(e) Upon receipt of a probationary license, the licensee shall return to the division the previously issued license.~~

